

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

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**Kevin Karr,**

Petitioner-Appellant,

**v.**

**Linn County Board of Review,**

Respondent-Appellee.

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**ORDER**

**Docket No. 10-57-0016  
Parcel No. 05231-53003-00000**

On March 28, 2011, the above captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board under Iowa Code sections 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellant, Kevin Karr was self-represented and requested the appeal take place without a hearing. The Linn County Board of Review designated Attorney Gary Jarvis as its legal representative. The Appeal Board having reviewed the entire record, and being fully advised, finds:

***Findings of Fact***

Kevin Karr, owner of a residentially classified property located at 4122 Alta Vista Drive, Center Point, Iowa, appeals from the Linn County Board of Review regarding his 2010 property assessment. The January 1, 2010, assessment is allocated as follows: \$30,967 in land value and \$232,469 in improvement value for a total assessment of \$263,436. The value increased from the previous year's assessment.

The subject property is a one-story, single-family residence built in 2005. The improvements include 1888 square feet of above-grade finish; a full, unfinished basement; a two-car attached garage; a 672 square-foot detached garage; a 316 square-foot patio; a 337 square-foot deck; and a 490 square-

foot open porch. The site is 1.05 acres.

Karr protested his assessment to the Linn County Board of Review. On the protest he contended his property assessment was not equitable with that of like properties under Iowa Code section 441.37(1)(a). He also asserted the subject property is assessed for more than the value authorized by law under section 441.37(1)(b), claiming the actual value is \$250,000.

The Board of Review did not change the assessment.

Karr then appealed to this Board. He reasserted his original claims but now claims the actual value is \$257,000. Karr also added the claim of error under section 441.37(1)(c). This claim was not made to the Board of Review, therefore we cannot consider it.

On his protest form to the Board of Review, Karr provided five equity comparables. He listed a partial legal description, parcel number, and the assessed value for each property. The year of the assessed value is not noted; however, Karr provided property-card print-outs from the assessor's website for each of the five properties. One property listed on Karr's protest form, 4134 Alta Vista Drive, Center Point, Iowa, inadvertently has a list price reported instead of the 2010 assessed value. The print-out supplied for this property indicates a January 1, 2010, total assessment of \$218,732, but the protest form indicates the assessment is \$224,000. There is a hand-written note on the print-out which states the property is "for sale at \$224,000."

Six other property-record print-outs were included with the certified record, as well as a listing summary sheet for a seventh property. The Board of Review minutes indicate Karr "reviewed the property assessment history and comparables submitted with the petition. He also went over four additional comparables he brought in." The twelve properties Karr submitted as equity comparables with his petition are noted as follows:

### Karr Equity Comparables

Address	2010 Assessment
4690 Urbana Road, Center Point <sup>1</sup>	\$219,037
4670 Urbana Road, Center Point*	\$250,333
4134 Alta Vista Drive, Center Point*	\$218,732
4128 Alta Vista Drive, Center Point*	\$233,467
3640 North Center Point Road, Toddville*	\$241,810
5755 North Center Point Road, Walker	\$250,459
4324 Virg Court, Center Point	\$225,709
4308 Virg Court, Center Point	\$244,700
3870 Greens Grove Road, Center Point	\$209,533
3392 North Center Point Road, (Unknown) <sup>2</sup>	\$226,178
3429 Midway Road, Toddville	\$162,325
317 Harrison Drive, Center Point <sup>3</sup>	Unknown

Karr's to this Board also included a property-record card print-out for 4000 Fay Road, Center Point. The 2010 assessment of that property is \$251,645. We cannot conclude this property print-out was provided to the Board of Review as the Board of Review does not mention or analyze it in any of its evidence. As such, we will not consider it.

In an undated letter sent in March 2011, prior to the hearing date, Karr submitted eight property-record card print-outs. Three of the print-outs are for already noted properties: 3640 North Center Point Road, 4690 Urbana Road, and 4134 Alta Vista Drive. Karr points out that 4134 Alta Vista Drive had been listed for \$224,000 and sold for \$212,000. The other five properties included as attachments to the letter are as follows:

**Figure 2**

Address	Deed Holder	2010 Assessment
4131 Cedar Heights Trail, Center Point	Boyles	\$208,515
4145 Cedar Heights Lane, Center Point	Gilbert	\$251,837
4304 Alice Road, Center Point	Neighbor	\$244,475
3503 North Center Point Road, Toddville	Saathoff	\$248,862
3645 North Center Point Road, Toddville	Merz	\$229,981

<sup>1</sup> An \* denotes the five properties actually listed on the protest form.

<sup>2</sup> The property-record card does not indicate the town.

<sup>3</sup> The certified record includes a one-page listing sheet for this property. There is no property-record card in the certified record or exhibits for this address.



Karr does not provide any written analysis of this data either in his protest to the Board of Review or in the undated letter we received.

The Board of Review submitted a spreadsheet of Karr's five comparables listed on his protest form. The spreadsheet was done by Linn County Assessor Julie Kester. Kester states in a March 18, 2011, letter that the spreadsheet was presented to the Board of Review by the Assessors office for consideration of the Karr petition. We note the other properties were not presented by Karr until the Board of Review hearing, so it is reasonable they were not presented in a similar spreadsheet format at that time. A subsequent spreadsheet submitted by the Board of Review to this Board, has all the eleven properties noted previously in the grid labeled "Karr Equity Comparables" (excluding the twelfth property address for which no property card was submitted).

The first spreadsheet the Board of Review had for consideration, consisting only of the five properties listed on the protest form, indicated an assessed value per square foot range of \$130.28 to \$148.26 with a median square foot price of \$144.13. The subject's 2010 assessed value per square foot is \$139.53, within the range and below the median. The Board of Review relied upon this information to make their decision of upholding the current assessed value.

In the second spreadsheet submitted by the Board of Review it is noted that comparable 8 (4308 Virg Court) is a two-story home compared to the subject's one-story design and thus removed from the analysis. Additionally, Kester asserts the assessed value relied on by Karr for comparable 11 (3429 Midway Road) is a partial 2009 assessment of \$162,325 and not the full 2010 assessment of \$286,883. As such, Kester includes the correct 2010 assessment for this analysis. We note the only property record card in the certified record for 3429 Midway Road, is a print-out offered by Karr with a printing time-stamp date of April 30, 2010. It would seem reasonable that this would accurately reflect the January 1, 2010, full assessment for this property and if not, it would seem reasonable the correct property-record card would have been submitted to clarify the record.

We recognize and agree with the Board of Review that purely from the standpoint of assessment per square foot the subject property is in line with the comparable properties submitted by Karr. However, we also recognize that an "equity analysis" has not been completed by either party. To determine if a property is equitably assessed, the actual value of the comparable properties must be compared to their assessments to determine a ratio for comparison. Once the ratio is determined this can be compared to the actual value of the subject property and its total assessed value. Alternatively, the tax payer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. We do not consider the evidence in the record as representing an equity ratio analysis; however, we find it is the best evidence in the record demonstrating the subject property is assessed similarly to other like properties. Neither did Karr assert the assessor failed to apply an assessing method uniformly to similarly situated or comparable properties.

In support of his market value claim, Karr submitted an appraisal completed for mortgage finance purposes. The appraisal has an effective date of January 8, 2009, and was completed by Kevin S. Hunter, of Hunter Appraisal Services, Cedar Rapids, Iowa. Hunter developed only the sales comparison approach to value, concluding a final opinion of value of \$257,000. Hunter relied on three comparable properties to develop his opinion of value. The properties have sale dates between February 2008 and July 2008, and are located 3 to 9 miles from the subject property. Because the sale dates of the comparables are from 2008 we do not consider them reliable or relevant to determine a January 1, 2010, value opinion.

Based upon the foregoing, we find insufficient evidence has been presented to support a claim of inequitable assessment or over-assessment.



Removing the two-story home (4308 Virg Court) from the second data set, and using the asserted correct 2010 assessed value for 3429 Midway Road, the assessed value per square foot ranges from \$111.45 to \$155.42, with a median of \$141.47.

Again, Karr's assessed value per square foot is within this range and below the median. We also note the lower end of this range is set by a property built in 1995 compared to Karr's property being built in 2005. There is one other property (3640 North Center Point Road) that was built in 1994. The remaining nine comparables offered were built from 2002 to 2008.

Lastly, the Board of Review submitted a spreadsheet showing the additional properties submitted by Karr. We note this spreadsheet which references comparables 12 thru 18, has duplicate properties already addressed in previous spreadsheets. Comparables 12 (4690 Urbana Road) and 18 (3640 N Center Point Road) listed on Karr's protest form to the Board of Review were already analyzed as comparables 1 and 5 respectively in the earlier spreadsheets.

Kester notes that comparable 15 (4304 Alice Road) has an agricultural classification compared to the subject's residential classification and should not be considered. We agree this property is not comparable because of its classification.

Kester also notes that comparables 13 (4131 Cedar Height Trail), 17 (3645 North Center Point Road), and 18 (3640 North Center Point Road – also previously noted as comparable 5) are all substantially older than the subject having been built between 1992 and 1994. Considering only the new comparables submitted by Karr (comparables 13, 14, 16 and 17) and excluding comparables 12 and 18 as previously presented properties, as well as comparable 15 due to its agricultural classification; the assessed value per square foot ranges from \$121.80 to \$158.71 with a median of \$136.90. While the median of these four comparables submitted by Karr is less than his assessed value per square foot of \$139.53, we also note that all four of these properties were built between 1992 and 1998 compared to the subject's year built of 2005.

### *Conclusions of Law*

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The six criteria include evidence showing

“(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.”

*Id.* at 579-580. The gist of this test is the ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). Karr’s evidence of inequity was incomplete and did not demonstrate a disparity between the subject property




assessment and the assessments of other like properties. In this case, Karr's evidence did not show his property was inequitably assessed using either method. While we find the Board of Reviews spreadsheet analysis lacking of a true ratio analysis, it is the best evidence in the record to demonstrate Karr's property is assessed similarly to other like property.

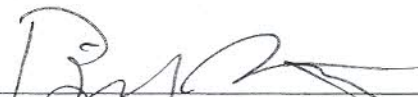
In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). Karr offered an appraisal completed for mortgage finance purposes with an effective date of January 8, 2009. The appraisal completed by Kevin S. Hunter relied solely on three sales which sold between May 2008 and July 2008. We do not believe these sales accurately reflect a January 1, 2010, value opinion.

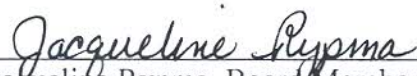
We therefore affirm the assessment of Kevin Karr's property as determined by the Linn County Board of Review, as of January 1, 2010.

THE APPEAL BOARD ORDERS the assessment of Kevin Karr's property located at 4122 Alta Vista Drive, Center Point, Iowa, of \$263,436 as of January 1, 2010, set by Linn County Board of Review, is affirmed.

Dated this 6 day of May, 2011

  
Karen Oberman, Presiding Officer

  
Richard Stradley, Board Member

  
Jacqueline Rypma, Board Member



Cc:

Kevin Karr  
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Center Point, Iowa 52213  
APPELLANT

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51 3rd Avenue Bridge  
Cedar Rapids, Iowa  
ATTORNEY FOR APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>5-6</u> , 2011	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	<u><i>Gary Jarvis</i></u>